

 KENTUCKY CORRECTIONS Policies and Procedures	Policy Number	Total Pages
	3.1	4
	Date Filed	Effective Date
	December 10, 2013	February 3, 2014
Authority/References ACA 4-4063, 4-4069, 4-4070, 2-CO-1A-29, 2-CO-1C-04 and 2-CO-1C-24 P & P ACA 3C-01, 3C-02, 3C-03 KRS 11A.005 - 11A.045, 11A.990, 18A.140 196.230; 196.990, 196.035, 196.070, 197.020, 519.06028 C.F.R. § 115.17	Subject CODE OF ETHICS	

I. DEFINITIONS

“Agent” means any person acting on behalf of, or for the benefit of, an offender.

“Code of Ethics” means a set of rules describing acceptable standards of conduct for all employees.

“Conflict of interest” means any employee action or association which adversely affects the interest of Corrections or an outside concern which may bring undue pressure upon the employee in his effort to make decisions concerning official duties.

“Employee,” for purposes of this policy only, means full-time, part-time, and interim employees of the Department of Corrections to include interns, students, volunteers, vendors, contractors, agency consultants and contract personnel who have offender contact on a reoccurring basis.

“Intoxication” is defined in KRS 222.005(7).

“Offender” means any person: (1) confined in a correctional institution; or (2) under the probation or parole supervision of Corrections, including any person on inactive supervision who has not received a final discharge; (3) who is less than one (1) year beyond the date of his date of serve-out or release from supervision; or (4) who has been adjudicated guilty or has entered a guilty plea but is still pending final sentencing.

II. POLICY and PROCEDURES

A. General Standards of Conduct

- I. Each employee shall adhere to the requirements of KRS 11A.020. To meet the ethical standards prescribed by this policy, an employee shall adhere to KRS 11A.005 through 11A.045 and the standards of conduct set forth.

Policy Number	Effective Date	Page
3.1	February 3, 2014	2

2. Any effort to influence an employee to violate the standards of ethical conduct set forth in this policy or to engage in conduct which creates a justifiable impression in the public mind that this trust is being violated shall also be a violation of ethical standards. An employee shall not use his official position to secure privileges for himself or others. An employee shall comply with KRS 18A.140 concerning prohibited political activities.
3. Use of the time, facilities, equipment or supplies of the Commonwealth by an employee for his private purposes shall constitute a violation of the standards of ethical conduct set forth in this policy and may result in appropriate disciplinary action as prescribed by the appointing authority for an employee, or other appropriate action including reimbursement of costs or restriction from Department of Corrections institutions or offices.
4. The use of an intoxicant, which adversely affects an employee's ability to perform his job duties, shall constitute a violation of the standards of ethical conduct set forth in this policy.
5. Providing false information to anyone during the course of an investigation shall constitute a violation of the standards of ethical conduct.
6. An employee shall report to his respective supervisor or facility contact as soon as possible any arrests, domestic violence orders, emergency protection orders or pending charges. In addition, the employee shall report any civil or administrative adjudication where he has been found to have engaged in sexual activity facilitated by force, overt or implied threats of force or coercion if the victim did not consent or was unable to consent or refuse.

B. Conflicts of Interest

1. The following prohibited activities determine a conflict of interest:
 - a. See KRS 11A.040.
 - b. An employee shall not represent any person with interests adverse to Corrections or in conflict with his official public duties or attempt to use his influence for a purpose contrary to the provisions of this policy. Nothing herein shall be construed to prevent an attorney for Corrections from representing an employee in litigation resulting from the employee's actions within the scope of his official duties.
2. The Commissioner may approve an exception to paragraph 1.b. of this subsection if justification for the exception is approved in writing through

Policy Number	Effective Date	Page
3.1	February 3, 2014	3

the chain of command and the exception is in the best interest of Corrections and state service. An example of an exception is a situation which may be a technical violation but produce no real conflict with the duties and responsibilities of the employee.

3. The following activities relate specifically to relationships with an offender and shall be prohibited:
 - a. Accepting a gift or favor from an offender, family of an offender, or his agent.
 - b. Providing a gift or favor to an offender, family of an offender, or agent except as authorized in the official performance of duties.
 - c. Buying from or selling a service or item to an offender, family of an offender, or agent or engaging in personal business transactions that would provide a benefit not available to the general public. An employee may purchase a product made by an inmate through established procedures including Correctional Industries or institutional programs.
 - d. Developing a relationship between staff and an offender other than that necessary in the normal conduct of business. An employee shall not become romantically involved with an offender, engage in sexual relations with an offender, or develop a sexual relationship with a member of an offender's immediate family.
 - e. Taking or sending, either to or from, an inmate any verbal or written message, from or to a third person; or any literature, reading matter, item, article or substance, except as necessary in carrying out the employee's assigned duties.
4. Paragraphs 3(a) and (b) shall not apply to a certificate, plaque or other expression of gratitude, of modest intrinsic value, presented by an inmate group or other organization to a Corrections employee who has worked with the organization and gained its good will.

C. Confidential Information

1. See KRS 11A.040(1). An employee shall sign the Employee Confidentiality and Security Agreement prior to beginning his employment or prior to accessing any confidential information. The original shall be kept in the employee's personnel file.
2. Any release of confidential information shall require the prior consent of the appropriate authority within Corrections. Failure to obtain prior approval may be grounds for disciplinary or other appropriate action.

Policy Number	Effective Date	Page
3.1	February 3, 2014	4

3. If it is determined that an employee released confidential information to anyone not authorized to receive the information, he may be prosecuted in accordance with Corrections policy, state or federal law, including KRS 11A.990.

D. Monitoring Use of Alcohol or Other Drugs

1. An employee shall not be under the influence of alcohol or other drugs. The Department of Corrections has a zero tolerance for the use of or being under the influence of drugs and alcohol. If a reasonable basis exists to believe an employee may have alcohol or drugs in his system which may adversely affect his job performance, the employee may be requested to submit to a breathalyzer or other analysis.
2. An employee shall not be at work at a Department of Corrections institution or office with more than 0.00 percent by weight of alcohol in his blood. Registering a level of intoxication in one's system may be the sole basis for action but shall be considered with all other aspects of behavior in determining the impact on job performance.
3. Refusal to submit to a breathalyzer test or other analysis may be grounds for disciplinary action. An employee who refuses to submit to these tests shall be considered to be under the influence and in violation of the department's zero tolerance policy. An employee who refuses to submit to these tests shall be instructed to leave the Department of Corrections institution or office and may be prohibited from returning.
4. If an employee uses medication which may adversely affect his job performance, the employee shall notify his immediate supervisor.

E. Training

The Division of Corrections Training shall include information regarding the Code of Ethics in basic training classes and annually for a full time employee.

F. Ethics Opinion

If an employee has a question regarding the Code of Ethics or a possible conflict of interest, he may submit a written request for an ethical opinion to the Personnel Director, Division of Personnel Services, Department of Corrections, P.O. Box 2400, Frankfort, Kentucky 40602-2400. The Personnel Director shall co-ordinate a response with the Executive Director, Ethics Commission, Executive Branch.

PRINT:

(Last Name)**(First Name)****(Middle Initial)****EMPLOYEE CONFIDENTIALITY AND SECURITY AGREEMENT**

I understand that I may be allowed access to confidential information or records in order that I may perform my specific job duties. I further understand and agree that I shall not disclose confidential information or records without the prior written consent of the appropriate authority in the Department of Corrections.

I understand that accessing or releasing confidential information or records of the Department of Corrections, or causing confidential information or records of the Department of Corrections to be accessed or released, on myself, other individuals, offenders, or relatives, outside the scope of my assigned job duties constitute a violation of this agreement and may result in disciplinary action taken against me, up to and including, my dismissal or I may be prohibited from returning to a Department of Corrections institution or office.

By affixing my signature to this document I acknowledge that I have been apprised of the relevant laws, regulations and policies concerning access, use, maintenance and disclosure of confidential information or records which shall be made available to me through my employment with the Department of Corrections. I further agree that it is my responsibility to assure the confidentiality of all information which has been issued to me in confidence even after I leave the department.

Pursuant to this agreement I certify that I have read and understand the laws, policies and regulations concerning confidentiality of information or records.

I also certify by my signature that I have been given a copy of this statement and have been notified that a copy of this statement shall be placed in my department personnel file or other appropriate file.

Signature/Date

Supervisor Signature/Date

Manager, Warden, Director or Commissioner Signature/Date